



Ryan Walters <walters1976@gmail.com>

Fwd: Fw: Liberty Coins

1 message

Maurice Thompson <mthompson@ohioconstitution.org>

Mon, Oct 29, 2012 at 10:53 AM

To: Ryan Walters <rwalters@ohioconstitution.org>, Ryan Walters <walters1976@gmail.com>

----- Forwarded message -----

From: gwendolyn Tomaso <gwentomaso@yahoo.com>

Date: Fri, 19 Oct 2012 12:13:11 -0700 (PDT)

Subject: Fw: Liberty Coins

To: "mthompson@ohioconstitution.org" <mthompson@ohioconstitution.org>

----- Forwarded Message -----

From: "McCartney, Amanda" <Amanda.McCartney@com.state.oh.us>To: 'gwendolyn Tomaso' <gwentomaso@yahoo.com>

Sent: Friday, October 19, 2012 1:52 PM

Subject: RE: Liberty Coins

Mr. Tomaso,

To provide any further response would constitute providing legal advice and the Division will not give legal advice. You will need to hire an attorney to answer questions about the law or interpreting the law.

Secondly, you cannot buy any gold or silver without a license. You must cease all illegal activities immediately as each violation is subject to a \$10,000 fine and criminal sanctions as I have previously outlined.

Amanda McCartney

From: gwendolyn Tomaso [mailto:gwentomaso@yahoo.com]

Sent: Friday, October 19, 2012 11:47 AM

To: McCartney, Amanda

Subject: Re: Liberty Coins

Ms. McCartney,

Thank you for your quick response, and for giving the extra time for this. As just a quick follow up, can you give any reasons that you are referring to in my sixth question, where you say "there are many reasons for the law"? If not, could you direct me to some source(s) that could give some explanation (other than the law itself, which does not provide any reasons for it). I've looked all over the Dept. of Commerce website, and can't find anything on this.

Also, to clarify your answer to my fifth question, is it the

position of the Dept. of Commerce that I cannot buy gold and silver items, even if I stop all advertising, solicitation, etc.? Thank you, again, for your consideration.

Mike Tomaso

From: "McCartney, Amanda" <Amanda.McCartney@com.state.oh.us>
To: 'gwendolyn Tomaso' <gwentomaso@yahoo.com>
Sent: Wednesday, October 17, 2012 2:37 PM
Subject: RE: Liberty Coins
John,

Thank you for your response. I have no issues with the extension of time needed.

To answer your specific questions:

(1) What kind of advertising triggers the requirement to get a license?

R.C. 4728.02(A) states, "[N]o person shall act as a precious metals dealer without first having obtained a license from the division of financial institutions in the department of commerce."

R.C. 4728.01(A) defines precious metals dealer as "a person who is engaged in the business of purchasing articles made of or containing gold, silver, platinum, or other precious metals or jewels of any description if, in any manner, including any form of advertisement or solicitation of customers, the person holds himself, herself, or itself out to the public as willing to purchase such articles."
(emphasis added)

(2) Specifically, as I understand it, the advertising that created the enforcement action against me was the small sign in my store that stated "We Buy Gold." Is that correct? (Your letter states that my business "held itself out to the public as willing to purchase precious metals via signage at the store location").

The Division has evidence of:

- "We Buy Gold" sign in your store window
- "Buying Gold & Silver" freestanding sign outside your store's door
- Newspaper advertisements
- An 8/22/12 article in the Delaware Gazette (where you are quoted several times) which states your shop purchases precious metals
- Liberty Coins business card which states "Gold and Silver Scrap, Buy – Sell – Trade"

(3) Is there any other advertising that I have done that has caused the investigation against me?

Please see my answer to the above question. Each of the above violations can impose a fine and is a first degree misdemeanor for the first offense and a fifth degree felony for each subsequent offense.

(4) Is it possible for me to forego obtaining a license if I do not advertise?

You are not in any way required to get a license. Licensure is needed if you plan to continue dealing in precious metal dealer activity. Simply ceasing advertising does not eliminate the need for a license. Ceasing precious metal business in its entirety is the only way for forego the need for a license.

(5) If I were to advertise through a general website or phone book advertisement that only had my business name, address, and phone number, without any references to buying gold or silver, would that require me to get a license?

No. So long as you are doing no precious metal dealings, you do not need a license. Dealing in precious metal dealer activity and/or holding yourself out to the public as willing to so (via advertising or other solicitation) is when a license is mandatory. As stated above, ceasing precious metal business in its entirety is the only way for forego the need for a license.

(6) What is the overriding purpose of these regulations? I am researching the background on this law, and I cannot find anything describing why these laws were originally passed, or why they are being so vigorously enforced today.

There are many reasons for this necessity of this law. I am not in a position to provide you with the background of the legislation. I would direct you to review Ohio Revised Code Chapter 4728.

Amanda K. McCartney
Consumer Finance Attorney
Ohio Department of Commerce
Division of Financial Institutions
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<http://www.com.ohio.gov/>

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From: gwendolyn Tomaso [mailto:gwentomaso@yahoo.com]
Sent: Wednesday, October 17, 2012 12:04 PM
To: McCartney, Amanda
Subject: Liberty Coins

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